

## **REMARKS/ARGUMENTS**

The following remarks are intended to fully respond to the Final Office Action mailed September 30, 2008, hereinafter "Office Action." In the Office Action, claims 1, 3-16, 18-21, and 22 were examined, and all claims were rejected. More specifically, claims 1, 9, and 16 were rejected under 35 U.S.C. §112 for failing to comply with the written description requirement and claims 1, 3-16, 18-21, and 22 were rejected under 35 USC 103(a) as being unpatentable over Hanna et al., US Patent No. 6,801,998 (hereinafter "Hanna") in further view of Huitema et al., US Patent No. 7,068,789 (hereinafter "Huitema").

Although the claims have not been amended in this response, they have been included above for convenience. In addition, Applicant assumes that the claim amendments filed on July 2, 2008 were entered, although the claim amendments themselves were not considered. If the claim amendments have not been entered, please enter the claim amendments as presented in the previously filed office action response.

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

### **Claim Rejections – 35 USC § 112**

Claims 1, 9 and 16 were rejected under 35 U.S.C. §112 as failing to comply with the written description requirement. Specifically, claims 1, 9 and 16 were rejected for containing the element of "a use policy providing instructions as to how the group identity information may be used" which the Office Action alleged was not supported in the specification. As a result, claims 1, 9, and 16, and their respective dependent claims, were examined without this particular element. All of the claims were subsequently rejected based on the previously cited references.

Contrary to the assertion made in the Office Action that the above recited element is not disclosed in the specification, Applicant directs the Examiner's attention to various portions of the specification which have been reproduced below. These sections show that the element of "a use policy providing instructions as to how the group identity information may be used" is clearly supported in the specification.

As recited in the specification, identity information is “a collection of information about a principal in an identity information system...” (Specification, para. [0024]).

Further, an identity information document is “a subset of identity information for a principal transmitted from one device to another...” (Specification, para. [0025]).

A principal is “any entity capable of acting digitally. Principals include individual people, **groups** or sets of people meaning individuals, households, organizations, [and] explicit **groups**...” (Specification, para. [0026], emphasis added).

The specification continues by explaining a process to create and save a group identity information document. Part of this process includes a generate operation which “generates a self-signed group identity information document [from group identity information]...This document might be *an identity information document for the group*...” (Specification, para. [0087] emphasis added).

The specification also describes a use policy which “conveys the originator’s instructions to the recipient about the uses to which the contents of the identity information may be put.” (Specification, para. [0078]).

From these various excerpts, it is clear that the specification clearly supports the element of “a use policy providing instructions as to how the group identity information may be used” as recited in independent claims 1, 9, and 16.

The Office Action argues that paragraph 28 of the specification “recites a use policy describing how information may be used but only pertains to self-identity information, not the claimed group identity information.” (Office Action, pg. 2). However, this paragraph relied on does not limit an identity information document to an individual. As evidenced by the definitions reproduced above, an identity information document, and a corresponding use policy, may also be for a group.

Because the above recited element is clearly supported by the specification, Applicant respectfully requests that the finality of the Office Action be withdrawn and the Examiner

consider the arguments made in the previous office action response filed July 2, 2008, which have been reproduced below.

**Claim Rejections – 35 USC § 103(a)**

The Examiner rejected claims 1-6, 8-9, 13, 17-19, 21-23, 25-26 and 27 under 35 USC § 103(a) and being unpatentable over Hanna in view of Huitema. Applicants respectfully traverse the § 103(a) rejections of claims 1-6, 8-9, 13, 17-19, 21-23, 25-26 and 27 because the Office Action failed to state a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references must teach or suggest all of the claimed limitations to one of ordinary skill in the art at the time the invention was made. M.P.E.P §§ 2142, 2143.03; *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974); *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). Further, under *KSR Int'l Co. v. Teleflex, Inc.*, there “must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” 127 S. Ct. 1727, 1741 (2007). Specifically, the references fail to teach or suggest all of the claimed limitations. More particularly, the cited references fail to teach or suggest, at least, a use policy providing instructions as to how the group identity information may be used, as recited in independent claim 1.

Hanna relates to a system for determining whether an applicant is a member of a pre-established, authorized group without providing the applicant the names of the authorized group or groups. The Hanna system comprises a client, an application server, and a group member server. (See Hanna, Fig. 1). A client who desires a service that is performed by the application server logs on to the application server and requests the service from it. In response, the application server requests proof from the client that the client is a member of a group that has permission to receive the requested service. (See *id.*, col. 4, l. 64 – col. 5, l. 33). However, the Hanna system is designed such that it avoids providing the client with information about which group or groups are eligible to receive the requested service. Instead, the application server provides the client with an encrypted message intended for a group membership server. (See *id.*, col. 5, ll. 36-62). The client forwards the encrypted message to the applicable group server which decrypts the message to reveal information regarding authorized groups. The group server uses this information to determine whether the client is a member of one of the groups or meets the criteria for membership in one of the specified groups. (See *Id.*, col. 5, l. 62 – col. 7, l. 6).

The group server then returns an encrypted message to the application server indicating whether or not the client is a member of a group authorized to receive the requested service. Upon receipt, the application server decrypts the message and determines whether or not to grant the requested service to the client.

However, Hanna does not teach or suggest a use policy providing instructions as to how the group identity information may be used. While Hanna does protect information from applicants by withholding the names of authorized groups, the Office Action has failed to show that the reference teaches providing instructions on how information may be used after the application server determines whether or not to grant required service to an applicant. Thus, the reference fails to teach or suggest at least the limitation of a use policy providing instructions as to how the group identity information may be used, as recited in independent claim 1.

Huitema fails to compensate for this deficiency. Huitema relates to “a method for ensuring valid and secure peer-to-peer communications in a group structure. Specifically, the system of the present invention presents a method of ensuring secure peer-to-peer group formation, group member addition, group member eviction, group information distribution, etc.” (Huitema, Abstract). The Office Action has failed to show that Huitema teaches or suggests a use policy providing instructions as to how the group identity information may be used. Thus, independent claim 1 is allowable over the cited references.

For at least the same reasons, independent claim 9 is also allowable over the cited reference. Claim 9 recites, *inter alia*, a group ID generate module generating a group certificate comprising at least a public key, a use policy providing instructions as to how the group identity information may be used, and a digital signature for the group. Thus, for at least the same reasons noted above, independent claim 9 is also allowable over the cited reference.

Finally, independent claim 16 is also allowable over the cited reference. The Office Action summarily rejected claim 16 for the same reasons as claim 9 and simply recites the elements of claim 16. (*See Office Action*, pp. 7-8). In rejecting claim 16, the Office Action points to col. 5 of Hanna which states “The client 10, upon receipt of the encrypted group id, forwards the same to the default group membership server 16 of the applicable group

membership server specified in the message.” (Office Action, p. 11). However it is unclear how this line renders the following obvious.

Claim 16 recites in part:

sending a membership certificate to the receiving system to establish the originator as a member of the new group at the receiving system;  
generating a personal certificate having at least a public key of the originator and a digital signature for the originator signed by the originator with a private key associated with the public key of the originator; and  
sending the personal certificate to establish the personal identity of the originator at the receiving system.

Even if one were to assume that the passage of Hanna recited in the Office Action is equivalent to “sending the personal certificate to establish the personal identity of the originator at the receiving system”, which Applicants expressly deny, Hanna still does not disclose or suggest “sending a membership certificate to the receiving system to establish the originator as a member of the new group at the receiving system” and “generating a personal certificate having at least a public key of the originator and a digital signature for the originator signed by the originator with a private key associated with the public key of the originator” as recited in claim 16.

Applicants respectfully submit that the Office Action has failed to reject independent claim 16 for its failure to address all of its limitations as previously recited. Applicants respectfully submit that claim 16 is allowable as previously presented.

Additionally, claim 16 also recites generating at the initiating system a group certificate comprising at least a use policy providing instructions as to how the group identity information may be used. Thus, claim 16 is also allowable over the cited references for the reasons discussed above with respect to claim 1 and 9.

For the foregoing reasons, the cited references fail to teach or suggest all of the limitations of independent claims 1, 9, and 16 and therefore cannot anticipate or make obvious the present invention as claimed. Claims 1, 9, and 16 are allowable over the recited references of

record and should be allowed. All other claims, i.e. claims 3-8, 10-15, 18-21, and 22, depend from one of the allowable independent claims and are, thus, also allowable over the references of record. Therefore Applicants respectfully request that the Examiner issue a notice of allowance for all claims at his earliest convenience.

## **CONCLUSION**

This Amendment fully responds to the Final Office Action mailed on September 30, 2008. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

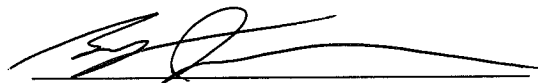
It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner may telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Date: December 1, 2008



  
Gregory G. Johnson  
Reg. No. 59,027  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
303-357-1651